रजिस्ट्री सं० डी० एल०-33004/93 REGISTERED NO. DL-33004/93

भारत का राजपत्र
The Gazette of India

EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 56] नई दिल्ली, सोमवार, दिसम्बर 20, 1993/ अग्रहायण 29, 1915
No. 56] NEW DELHI, MONDAY/ DECEMBER 20, 1993/AGRAHAYANA 29, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 20th December, 1993:—

BILL No. LXXXI OF 1993

A Bill to amend the Railways Act, 1989 and the Railway Claims Tribunal Act, 1987.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Railways (Amendment) Act, 1993 Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE RAILWAYS ACT, 1989

2. In section 123 of the Railways Act, 1989, (hereinafter in this Chapter referred to as the principal Act), after clause (*b*), the following clause shall be inserted, namely:— 24 of 1989. Amendment of section 123.

'(*c*) "untoward incident" means—

(*1*) (*i*) the commission of a terrorist act within the meaning of sub-section (*1*) of section 3 of the Terrorist and Disruptive Activities (Prevention) Act, 1987; or 28 of 1987.

(*ii*) the making of a violent attack or the commission of robbery or dacoity; of

(*iii*) the indulging in rioting, shoot-out or arson,

by any person in or on any train carrying passengers, or in a waiting hall, cloak room or reservation or booking office or on any platform or in any other place within the precincts of a railway station; or

(*2*) the accidental falling of any passenger from a train carrying passengers.'.

Insertion of new section 124A.

3. After section 124 of the principal Act, the following section shall be inserted, namely:—

Compensation on account of untoward incidents.

'124A. When in the course of working a railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or the dependent of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:

Provided that no compensation shall be payable under this section by the railway administration if the passenger dies or suffers injury due to—

(*a*) suicide or attempted suicide by him;

(*b*) self-inflicted injury;

(*c*) his own criminal act;

(*d*) any act committed by him in a state of intoxication or insanity;

(*e*) any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident.

Explanation.—For the purposes of this section "passenger" includes—

(*i*) a railway servant on duty; and

(*ii*) a person who has purchased valid ticket for travelling by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.'.

Amendment of section 125.

4. In section 125 of the principal Act, in sub-section (*1*),—

(*a*) in the opening portion, after the word and figures "section 124", the words, figures and letter "or section 124A" shall be inserted;

(*b*) in clause (*d*), after the word "accident", the words "or the untoward incident" shall be inserted.

Amendment of section 126.

5. In section 126 of the principal Act, in sub-section (*2*), after the word and figures section "124", the words, figures and letter "or section 124A" shall be inserted.

Amendment of section 128.

6. In section 128 of the principal Act, in sub-section (*1*), after the word and figures "section 124", the words, figures and letter "or section 124A" shall be inserted.

CHAPTER III

AMENDMENTS TO THE RAILWAY CLAIMS TRIBUNAL ACT, 1987

Amendment of long title.

54 of 1987.

7. In the long title to the Railway Claims Tribunal Act, 1987 (hereafter, in this Chapter referred to as the principal Act), after the words "railway accidents", the words "or untoward incidents" shall be inserted.

Amendment of section 2.

8. In section 2 of the principal Act, clause (*n*) shall be re-lettered as cause (*o*), and before cause (*o*) as so relettered, the following clause shall be inserted, namely:—

'(*n*) "untoward incident" shall have the meaning assigned to it in clause (*c*) of section 123 of the Railways Act, 1989;'.

24 of 1989.

Amendment of section 13.

9. In section 13 of the principal Act,—

(*a*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) The Claims Tribunal shall also exercise, on and from the date of commencement of the provisions of section 124A of the Railways Act, 1989, all such jurisdiction, powers and authority as were exercisable immediately before that date by any civil court in respect of claims for compensation now payable by the railway administration under section 124A of the said Act or the rules made thereunder.";

24 of 1989.

(*b*) in sub-section (*2*), for the words "Railways Act", the words and figures "Railways Act, 1989" shall be substituted.

Amendment of section 15.

10. In section 15 of the principal Act, for the word, brackets and figure "sub-section (*1*)", the words, brackets, figures and letter "sub-sections (*1*) and (*1A*)" shall be substituted.

Amendment of section 16.

11. In section 16 of the principal Act,—

(*a*) in sub-section (*1*), after the word, brackets and figure "sub-section (*1*)", the words, brackets, figure and letter "or sub-section (*1A*)" shall be inserted;

(*b*) in sub-section (*2*), in the proviso, after the word, brackets and figure "sub-section (*1*)", the words, brackets, figure and letter "or, as the case may be, sub-section (*1A*)" shall be inserted.

Amendment of section 17.

12. In section 17 of the principal Act, in sub-section (*1*), in clause (*b*), after the word, brackets and figure "sub-section (*1*)", the words, brackets, figure and letter "or, as the case may be, sub-section (*1A*)" shall be inserted.

Amendment of section 24.

13. In section 24 of the principal Act, in sub-section (*1*),—

(*a*) after the words "appointed day", at both the places where they occur, the words, brackets, figures and letter "or, as the case may be, the date of commencement of the provisions of sub-section (*1A*) of section 13" shall be inserted;

(*b*) for the words "that day", the words "that day or, as the case may be, date" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

At present section 124 of the Railways Act, 1989 provides for payment of compensation to bona fide passengers who get injured or to the dependants of those who die on account of passenger train accidents. However, incidents like terrorists, acts, robberies, dacoities, violent attacks, rioting, shoot-outs, arson, etc. in trains or in waiting halls, clock rooms, booking offices or on platforms or other places within the precincts of any railway station are not covered by that section for the purpose of payment of compensation.

2. There have been pressing demands in both the Houses of Parliament and from the public that the bona fide railway passengers who become victims of the aforesaid incidents should also be compensated for injuries or loss of life. It is, therefore, proposed to introduce the Railway Passenger Insurance Scheme for valid ticket and pass holders so as to compensate them for injuries or death caused by the aforesaid incidents in trains or the aforesaid places. No compensation will, however, be payable by the railway administration in cases of death or injury due to suicide or attempted suicide, self-inflicted injuries, criminal acts of the passenger, acts committed by the passenger in a state of intoxication or insanity, natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by any of the aforesaid incidents.

3. Accordingly it is proposed to amend the Railways Act, 1989 and to make certain consequential amendments in the Railway Claims Tribunal Act, 1987.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 14th December, 1993.

C. K. JAFFER SHARIEF.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to insert a new section 124A in the Railways Act, 1989. Under the said section, the railway administration will be liable to pay compensation to any person who sustains injury or suffers death due to terrorists' acts, robberies, dacoities, violent attacks, rioting, shoot-outs, arson, etc., committed in trains carrying passengers or in waiting halls, cloak rooms, booking offices or on platforms or other places within the precinct of any railway station. Such compensation will be admissible on the same scale as in the case of railway accidents referred to in section 124 of the Railways Act, 1989. The maximum limit of compensation will be Rs. 2 lakhs in the case of death or permanent total disability and Rs. 16,000 as the minimum in the case of injuries as at present provided in the Railway Accidents (Compensation) Rules, 1990.

2. The implementation of the proposed Railway Passenger Insurance Scheme will involve an additional annual expenditure of Rs. 6 crores approximately from the Consolidated Fund of India. The provisions of new section 124A do not involve any expenditure of non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to insert a new section 124A in the Railways Act, 1989. Under the said section the extent of compensation payable to any person in case of death or injuries will be prescribed by rules made under section 129 of the said Act. It is proposed to provide the same scales of compensation as at present provided in the Railway Accidents (Compensation) Rules, 1990.

2. The prescribing of scales of compensation in case of death, permanent total disability and various types of injuries are matters of administrative detail and cannot be incorporated in the Act. The delegation of legislative power is, therefore, of a normal character.

V. S. RAMA DEVI,
Secretary-General.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1994.